



3641

Practitioner's Docket No. P-1105**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re application of: UDO SKERDIApplication No.: 10 / 009,537Group No.: 3641Filed: MARCH 12, 2002Examiner: EDWARD A. MILLERFor: EXOTHERMAL FEEDER MASSConfirmation No. 4019

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**STATUS INQUIRY**

**WARNING:** Submission of a status letter after a Notice of Allowance may subject an application to a reduction in patent term adjustment under 37 C.F.R. § 1.704(c)(10). See Notice of May 29, 2001, 1247 OG 111-112, June 26, 2001.

1. More than 12 months have passed since the communication from the USPTO dated 4/22/04, which suspended prosecution for six months, see attached communication.

☒ NEW APPLICATIONS~~the filing of this application on~~

No communication has been received from the Patent and Trademark Office indicating action on this application.

☐ AMENDED APPLICATIONS

the filing of a response on \_\_\_\_\_.

No further communication has been received from the Patent and Trademark Office.

☐ APPEALED APPLICATION

The Appeal Brief was filed on \_\_\_\_\_.

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**☒ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**37 C.F.R. § 1.8(a)****37 C.F.R. § 1.10 \***☒ with sufficient postage as first class mail.☐ as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

**TRANSMISSION**☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_Date: April 27, 2005

Signature

Holly Hart

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Status Inquiry [9-3]—page 1 of 3)

(check and complete applicable items below)

- ☐ An Examiner's Answer was mailed on \_\_\_\_\_.
- ☐ A Reply to the Examiner's Answer was submitted on \_\_\_\_\_.
- ☐ ALLOWED APPLICATIONS
- the mailing of FORM POL-327 and/or Examiner's Amendment on \_\_\_\_\_.

2. Kindly advise the undersigned of the present status of this application, by checking the appropriate box below. A stamped return-addressed envelope is provided.

NOTE: M.P.E.P. § 203.08 Status Inquiries, 8th Edition, cautions as to the submission of status inquiries as follows:

**"NEW APPLICATION"**

"Current examining procedures now provide for the routine mailing from the Technology Centers (TCs) of Form PTOL-37 in every case of allowance of an application. Thus, the mailing of a form PTOL-37 in addition to a formal Notice of Allowance (PTOL-85) in all allowed applications would seem to obviate the need for status inquiries even as a precautionary measure where the applicant may believe his or her new application may have been passed to issue on the first examination. However, as an exception, a status inquiry would be appropriate where a Notice of Allowance is not received within three months from receipt of form PTOL-37.

"Current examining procedures also aim to minimize the spread in dates among the various examiner dockets of each art unit and TC with respect to actions on new applications. Accordingly, the dates of the "oldest new applications" appearing in the Official Gazette are fairly reliable guides as to the expected time frames of when the examiners reach the applications or action.

"Therefore, it should be rarely necessary to query the status of a new application.

**"AMENDED APPLICATIONS"**

"Amended applications are expected to be taken up by the examiner and an action completed within two months of the date the examiner receives the application. Accordingly, a status inquiry is not in order after reply by the attorney until 5 or 6 months have elapsed with no response from the Office. A postcard receipt for replies to Office actions, adequately and specifically identifying the papers filed, will be considered prima facie proof of receipt of such papers. Where such proof indicates the timely filing of a reply, the submission of a copy of the postcard with a copy of the reply will ordinarily obviate the need for a petition to revive. Proof of receipt of a timely reply to a final action will obviate the need for a petition to revive only if the reply was in compliance with 37 CFR 1.113."

  
SIGNATURE OF PRACTITIONER

Reg. No.: 31,945

Scott R. Cox

(type or print name of practitioner)

Tel. No.: ( 502 ) 589-4215

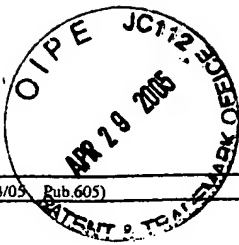
400 West Market Street, Ste. 2200

P.O. Address

Customer No.:

Louisville, Kentucky

(Status Inquiry [9-3]—page 2 of 3)



(Rel.102—3/05 Pub.605)

FORM 9-3

9-13

### STATUS INQUIRY REPLY

APPLICATION SERIAL NO. \_\_\_\_\_ / \_\_\_\_\_ IS CURRENTLY

☐ ASSIGNED TO GROUP \_\_\_\_\_ AND AWAITS:

☐ ACTION BY THE EXAMINER.

☐ APPLICANT'S RESPONSE TO THE OFFICE ACTION MAILED

\_\_\_\_\_

\_\_\_\_\_

APPEAL NO. \_\_\_\_\_

☐ IS AWAITING ACTION BY THE BOARD OF PATENT APPEALS AND INTERFERENCES

☐ DATE OF HEARING EXPECTED \_\_\_\_\_

☐ DECISION EXPECTED \_\_\_\_\_



# UNITED STATES PATENT AND TRADEMARK OFFICE

APR 29 2005

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/009,537

03/12/2004

Udo Skerdi

P-1105

4019

7590

04/22/2004

Scott R Cox  
Lynch Cox Gilman & Mahan  
400 West Market Street Suite 2200  
Louisville, KY 40202

EXAMINER

MILLER, EDWARD A

ART UNIT

PAPER NUMBER

3641

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE**  
**U.S. Patent and Trademark Office**

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Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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04192004

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Commissioner for Patents

See next page.

Art Unit: 3641

1. An issue relating to PCT rules relevant to the examination of this application requires clarification by the PCT branch of the USPTO. Therefore, *Ex parte* prosecution is SUSPENDED FOR A PERIOD OF 6 MONTHS from the date of this letter. Upon expiration of the period of suspension, applicant should make an inquiry as to the status of the application.

2. Any inquiry concerning either this or an earlier communication from the Examiner should be directed to Examiner Edward A. Miller at (703) 306-4163. Examiner Miller may normally be reached Monday-Thursday, from 10 AM to 7 PM.

If attempts to reach Examiner Miller by telephone are unsuccessful, his supervisor Mr. Carone can be reached at (703) 306-4198.

If there is no answer, or for any inquiry of a general nature or relating to the application status, please call the Group receptionist at (703) 308-1113.

Miller/em  
April 19, 2004



EDWARD A. MILLER  
PRIMARY EXAMINER